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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

David A Archer,

Plaintiff,

v.

Newport Beach Alano Club, Inc,

Defendant.

Case No.

**COMPLAINT FOR DAMAGES  
AND INJUNCTIVE RELIEF**

**Jury Trial Demanded**

Plaintiff David A Archer (“Plaintiff”) alleges the following:

**INTRODUCTION**

Plaintiff brings this action against Defendant Newport Beach Alano Club, Inc. (“Newport Beach Alano Club, Inc.”) for unlawfully and intentionally discriminating against Plaintiff because of Plaintiff’s disability and service animal and denying Plaintiff equal access to the Newport Beach Alano Club located at 414 32nd Street in Newport Beach, California (“Newport Beach Alano Club”).

**PARTIES**

1. Plaintiff is a natural person. Plaintiff is and has been considered disabled.
2. Newport Beach Alano Club, Inc. is California corporation with its principal

1 address in Newport Beach, California. At all times relevant to this complaint, Newport  
2 Beach Alano Club, Inc. owned, managed, operated, and/or was otherwise responsible  
3 for the Newport Beach Alano Club.

4 **JURISDICTION AND VENUE**

5 3. The Court has subject matter jurisdiction over the action pursuant to 28  
6 U.S.C. §§ 1331 and 1343(a)(3) & (a)(4) for violations of the Americans with Disabilities  
7 Act of 1990 (“ADA”), 42 U.S.C. §§ 12101, et seq.

8 4. Pursuant to supplemental jurisdiction, 28 U.S.C. § 1367, an attendant and  
9 related cause of action, arising from the same nucleus of operative facts and arising out  
10 of the same transactions, is also brought under California state law.

11 5. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is founded  
12 on the fact that the Newport Beach Alano Club is in this district and Plaintiff's cause of  
13 action arose in this district.

14 **FACTUAL ALLEGATIONS**

15 6. Plaintiff lives in Southern California.

16 7. Plaintiff is disabled.

17 8. Plaintiff suffers from post-traumatic stress, severe depression, anxiety, as  
18 well as mobility issues related to a debilitating back injury.

19 9. Plaintiff utilizes a service animal to help address the problems related to his  
20 disabilities.

21 10. Plaintiff's service animal was professional trained and undergoes annual  
22 recertification as a working service dog.

23 11. Plaintiff's service animal is specifically trained to help Plaintiff with his  
24 mobility and stability; provide a counterbalance to Plaintiff; and retrieve dropped items  
25 for Plaintiff. In addition, Plaintiff's service animal is trained to detect signs of anxiety  
26 and post-traumatic stress; calm Plaintiff through distraction; alert Plaintiff to the  
27 presence of triggers; and interrupt self-destructive behaviors.

1           12. It is important for a person suffering from post-traumatic stress, severe  
2 depression, anxiety, and mobility issues related to a debilitating back injury to be  
3 allowed access with their service dog to public accommodations and business  
4 establishments because the service dog can significantly enhance the person's quality of  
5 life and promotes social inclusion. The service dog can provide invaluable support in  
6 managing both physical and emotional challenges. By assisting with mobility and  
7 stability, offering counterbalance, and retrieving dropped items, Plaintiff's service dog  
8 empowers him to participate more actively in public events, fostering independence and  
9 reducing physical strain.

10           13. Moreover, Plaintiff's service dog plays a vital role in addressing his mental  
11 health needs. By detecting signs of anxiety and post-traumatic stress, calming a person  
12 down through distraction, alerting a person to potential triggers, and interrupting self-  
13 destructive behaviors, a service dog can help an individual maintain emotional stability  
14 and well-being.

15           14. On March 31, 2023, Plaintiff visited the Newport Beach Alano Club with  
16 his wife and fully trained service dog. Plaintiff and his wife were there to attend a  
17 meeting that was open to the public.

18           15. Upon entering the Newport Beach Alano Club, a staff member approached  
19 Plaintiff and told him that dogs were not allowed at the Newport Beach Alano Club.

20           16. Plaintiff calmly explained that his dog was a working service animal and  
21 not a pet.

22           17. Unfortunately, the employee would not relent.

23           18. Plaintiff tried his best to educate the employee about service animal  
24 discrimination, but the employee was adamant that the Newport Beach Alano Club had  
25 a no-animal policy.

26           19. When Plaintiff asked to see the Newport Beach Alano Club's policy,  
27 Plaintiff was directed to a sign out front of the Newport Beach Alano Club that said that  
28 dogs were not allowed except for seeing eye dogs.



1 unpleasant and discriminatory treatment should Plaintiff attempt to return to the  
2 Newport Beach Alano Club.

3 31. It is readily achievable for Newport Beach Alano Club, Inc. to provide  
4 Plaintiff and other disabled people like Plaintiff full and equal access to the Newport  
5 Beach Alano Club.

6 32. Newport Beach Alano Club, Inc. does not have any legitimate business  
7 justification to excuse the denial of Plaintiff's equal access.

8 33. Plaintiff seeks relief pursuant to remedies set forth in section 204(a) of the  
9 Civil Rights Act of 1964 (42 USC 2000(a)-3(a)), and pursuant to Federal Regulations  
10 adopted to implement the Americans with Disabilities Act of 1990. Plaintiff is a disabled  
11 person for purposes of the ADA who is being subjected to discrimination on the basis  
12 of disability in violation of Title III and who has reasonable grounds for believing  
13 Plaintiff will be subjected to such discrimination each time that Plaintiff may use the  
14 property and premises, visit, or attempt to patronize the Newport Beach Alano Club, in  
15 light of Newport Beach Alano Club, Inc.'s conduct.

16 34. Newport Beach Alano Club, Inc.'s acts have proximately caused and will  
17 continue to cause irreparable injury to Plaintiff if not enjoined by this Court.

18 35. Plaintiff seeks injunctive relief as to Newport Beach Alano Club, Inc.'s  
19 inaccessible policies. Plaintiff seeks preliminary and permanent injunctive relief to  
20 enjoin and eliminate the discriminatory practices that deny full and equal access for  
21 disabled persons. Further, Plaintiff seeks an award of reasonable statutory attorney fees,  
22 litigation expenses, and costs.

23 **SECOND CAUSE OF ACTION**

24 Violations of the Unruh Civil Rights Act

25 California Civil Code §§ 51-53

26 36. Plaintiff hereby incorporates the previous paragraphs as if they had been  
27 fully stated herein.

28 37. Newport Beach Alano Club, Inc. intentionally discriminated against

1 Plaintiff, denying Plaintiff full and equal access to the Newport Beach Alano Club.

2 38. Newport Beach Alano Club is a business establishment.

3 39. The Unruh Act provides that a violation of the ADA is a violation of the  
4 Unruh Act. Cal. Civ. Code 51(f).

5 40. Newport Beach Alano Club, Inc.'s acts and omissions as specified with  
6 regard to the discriminatory treatment of Plaintiff, on the basis of Plaintiff's disabilities,  
7 have been in violation of California Civil Code §§ 51 and 51.5, the Unruh Civil Rights  
8 Act, and have denied Plaintiff's right to full and equal accommodations, advantages,  
9 facilities, privileges, or services in all business establishments of every kind whatsoever.

10 41. Plaintiff was harmed.

11 42. Newport Beach Alano Club, Inc.'s conduct was a substantial factor in  
12 causing Plaintiff's harm.

13 43. Newport Beach Alano Club, Inc.'s conduct violated the ADA.

14 44. As a result of the violation of Plaintiffs civil rights protected by California  
15 Civil Code §§ 51 and 51.5, Plaintiff is entitled to the rights and remedies of California  
16 Civil Code § 52, including a trebling of actual damages, minimum statutory damages,  
17 as well as reasonable attorneys' fees and costs, as allowed by statute, according to proof.

18 45. Plaintiff also seeks to enjoin Newport Beach Alano Club, Inc. from  
19 violating disabled persons' rights.

20 **PRAYER**

21 Plaintiff hereby prays for the following:

22 1. Injunctive relief enjoining Newport Beach Alano Club, Inc. from engaging  
23 in unlawful discrimination against disabled persons with service animals when visiting  
24 the Newport Beach Alano Club, including, specifically, enjoining its policy of denying  
25 access to persons with service animals access to the Newport Beach Alano Club without  
26 performing a good faith assessment of the reasonableness of modifying it policies to  
27 accommodate such disabled person; in addition injunctive relief compelling Defendant  
28 to establish and follow, in good faith, a policy to conduct a good faith assessment when

1 evaluating a visitor with a service animal and/or other such injunctive relief as the deems  
2 appropriate;

3 2. Damages of no less than \$25,000;

4 3. Attorney's fees pursuant to 42 U.S.C. 12205, Civil Code sections 52, Code  
5 of Civil Procedure section 1021.5, and/or other statute(s), expenses, and costs of suit;

6 4. Other relief that the court deems appropriate.

7 Dated: April 11, 2023

Law Office of Rick Morin, PC

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10 Richard Morin  
11 Attorney for Plaintiff